

05/01/01



J1055 U.S. PRO

05-02-01

PTO/SB/05 (03-01)

Approved for use through 10/31/2002 OMB 0651-0032

U S Patent and Trademark Office; U S DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	GP121-02.UT
First Inventor	Hogan et al.
Title	Polynucleotide Probes for Detection and Quantitation...
Express Mail Label No.	EL612500418US

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

**ADDRESS TO:** Assistant Commissioner for Patent  
Box Patent Application  
Washington, DC 20231

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 31]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☐ Drawing(s) (35 U.S.C. 113) [Total Sheets     ]
5. Oath or Declaration & **Power of Attorney** [Total Pages 02]
  - a. ☒ Newly executed (original or copy)
  - b. ☐ Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 18 completed)
  - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76 - 3 pgs.

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☒ Computer Readable Form (CRF) - diskette
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☒ paper - 2 pgs.
  - c. ☒ Statements verifying identity of above copies 1pg.

**ACCOMPANYING APPLICATION PARTS**

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement of Power of Attorney  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Transmittal Ltr... 2pgs  
Utility App... Cover Page 1pg.

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)of prior application No.: 60 / 201,249

Prior application information.

Examiner

Group Art Unit

**For CONTINUATION OR DIVISIONAL APPS only:** The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.**19. CORRESPONDENCE ADDRESS**☒ Customer Number or Bar Code Labelor ☐ Correspondence address below

Name

Address

City

Country

**021365**

PATENT AND TRADEMARK OFFICE

State

Zip Code

Telephone

Fax

Name (Print/Type)

Michael J. Gilly

Registration No. (Attorney/Agent)

42,579

Signature

Date

May 1, 2001

Burden Hour Statement. This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision

TOTAL AMOUNT OF PAYMENT

(\$ 1,078.00

## Complete if Known

Application Number	To Be Assigned
Filing Date	May 1, 2001
First Named Inventor	Hogan et al.
Examiner Name	Unknown
Group Art Unit	To Be Assigned
Attorney Docket No.	GP121-02.UT

## METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit  
Account  
Number

07-0835

Deposit  
Account  
Name

Gen-Probe Incorporated

- ☒ Charge Any Additional Fee Required  
Under 37 CFR 1.16 and 1.17

- ☐ Applicant claims small entity status  
See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	710.00
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	
SUBTOTAL (1)					(\$ 710.00)

## 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
36	20** = 16	18	288
4	3*** = 1	80	80
Multiple Dependent			

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)				

\*\*or number previously paid, if greater, For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Michael J. Gilly	Registration No. (Attorney/Agent)	42,579	Telephone	(858)410-8657
Signature		Date	May 1, 2001		

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:	)	Group Art Unit: To Be Assigned
	)	
HOGAN	)	Examiner: To Be Assigned
	)	
Utility Application Claiming Priority to	)	Atty. Docket No. GP121-02.UT
U.S. Prov. App. No.60/201,249 - Filed: May 1, 2000	)	
	)	
Filed: Hereon (May 1, 2001)	)	
	)	
For: "POLYNUCLEOTIDE PROBES FOR	)	
DETECTION AND QUANTIFICATION OF	)	
CANDIDA SPECIES"	)	

SEQUENCE SUBMISSION

Box Patent Application  
Commissioner for Patents  
Washington, D.C. 20231

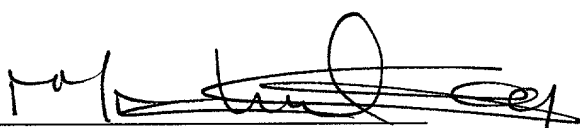
Dear Sir:

A copy of the Sequence Listing in computer readable form as required by 37 C.F.R. §1.821(e) is submitted herewith.

As required by 37 C.F.R. §1.821 (f), the data on the enclosed disk is identical to the sequence listing *attached to the end of the application* as separate pages 1 and 2 filed herewith.

Respectfully Submitted,

Dated: May 1, 2001

By:   
Michael J. Gilly  
Registration No. 42,579  
Agent for Applicants

GEN-PROBE INCORPORATED  
Patent Department  
10210 Genetic Center Drive  
San Diego, CA 92121  
(858) 410-8657 (Tel)  
(858) 410-8928 (Fax)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of:	)	Group Art Unit: To Be Assigned
	)	
HOGAN <i>et al.</i>	)	Examiner: To Be Assigned
	)	
Utility Application Claiming Priority to	)	Atty. Docket No. GP121-02.UT
U.S. Prov. App. No.60/201,249 - Filed: May 1, 2000	)	
	)	
Filed: Hereon (May 1, 2001)	)	
	)	
For: "POLYNUCLEOTIDE PROBES FOR	)	
DETECTION AND QUANTITATION OF	)	
CANDIDA SPECIES"	)	

**TRANSMITTAL LETTER**

Attn: Box Patent Application  
Commissioner for Patents  
Washington, D.C. 20231

***Express Mail No. EL612500481US***

Sir:

Transmitted herewith are the following documents pertaining to the above-referenced  
Utility Application:

- 1) Application Data Sheet (3 pgs.);
- 2) Utility Patent Application Transmittal (1 pg.);
- 3) Fee Transmittal (1 pg. in duplicate - 2 pages total);
- 4) Utility Application Cover Page (1 pg.);
- 5) Specification (31 pgs. - includes Description, Claims, & Abstract);
- 6) Sequence Listing - Paper Format (2 pgs.);
- 7) Sequence Listing - Diskette (FastSeq v3.0 - AsciiDos Text);
- 8) Sequence Listing Statement Under 37 CFR §§ 1.821(e)&(f) (1 pg.);
- 9) Executed Combined Declaration and Power of Attorney or Authorization of Agent  
(2 pgs.); and
- 10) Return/Stamped Postcard

TRANSMITTAL LETTER

Utility Application Claiming Priority to  
U.S. Prov. App. No.60/201,249 - May 1, 2000

Atty. Docket No. GP121-02.UT

Filed Hereon (May 1, 2001)

The Commissioner is hereby authorized to debit Deposit Account No. 07-0835 the amount due in connection with the filing of this Utility Application.

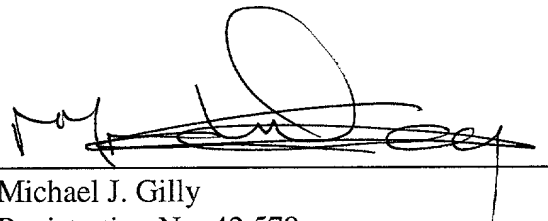
**Certificate of Mailing by Express Mail**

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is being deposited on the date indicated below with the U.S. Postal Service as Express Mail No. EL612500481US in an envelope addressed to Box Patent Application, Commissioner for Patents, Washington, D.C. 20231.

Respectfully submitted,

Dated: May 1, 2001

By:



Michael J. Gilly  
Registration No. 42,579  
Agent for Applicants

GEN-PROBE INCORPORATED  
Patent Department  
10210 Genetic Center Drive  
San Diego, California 92121  
PH: 858-410-8657  
FAX: 858-410-8928